

COUNTY COMMISSIONERS OF CHARLES COUNTY, MARYLAND

2005 Legislative Session

Legislative Day # 14

BILL NO. 2005-15

Introduced by: Charles County Commissioners

AN ACT concerning

Zoning Regulations - Historic Preservation Commission

Date introduced: July 25, 2005

Public Hearing: August 29, 2005

Commissioners Action: 08 / 29 / 2005 _____

Commissioner Votes: WC:____, RF:____, AS:____, EP:____, CK:____

Pass/Fail: _____

Effective Date: ____ / ____ / ____

Remarks: _____

COUNTY COMMISSIONERS OF CHARLES COUNTY, MARYLAND

2005 Legislative Session

Bill No. 2005-15
Chapter. No. 297 - Zoning Regulations
Introduced by Charles County Commissioners
Date of Introduction July 25, 2005

BILL

1 AN ACT concerning

2 **Zoning Regulations - Historic Preservation Commission**

3
4 FOR the purpose of

5
6 Establishing an Historic Preservation Commission, their powers and duties, and a
7 process for the designation of and review of historic properties.

8
9 BY adding to:

10 Chapter 297 - Zoning Regulations
11 Article XXX
12 Historic Preservation Commission
13 *Code of Charles County, Maryland*
14 (1994 Edition, 2004 Supplement)

15
16 **SECTION 1.** BE IT ENACTED BY THE COUNTY COMMISSIONERS OF
17 CHARLES COUNTY, MARYLAND, that the Laws of Charles County, Maryland read as
18 follows:

1 **Division 2: Code of Ordinances and Regulations**

2 **Chapter 297 - Zoning Regulations**

3 **Article XXX**

4 **Historic Preservation Commission**

5
6 **§ 297-497. PURPOSE.**

7
8 A. THE PRESERVATION OF SITES, STRUCTURES, AND DISTRICTS
9 OF HISTORICAL, ARCHEOLOGICAL OR ARCHITECTURAL
10 SIGNIFICANCE TOGETHER WITH THEIR APPURTENANCES AND
11 ENVIRONMENTAL SETTINGS IS A PUBLIC PURPOSE IN
12 CHARLES COUNTY.

13
14 B. IT IS THE FURTHER PURPOSE OF THIS ARTICLE TO PRESERVE
15 AND ENHANCE THE QUALITY OF LIFE AND TO SAFEGUARD
16 THE HISTORICAL AND CULTURAL HERITAGE OF CHARLES
17 COUNTY BY PRESERVING SITES, STRUCTURES, OR DISTRICTS
18 WHICH REFLECT ELEMENTS OF CULTURAL, SOCIAL,
19 ECONOMIC, POLITICAL, ARCHEOLOGICAL, OR
20 ARCHITECTURAL HISTORY; TO STABILIZE AND IMPROVE
21 PROPERTY VALUES OF SUCH SITES, STRUCTURES, OR
22 DISTRICTS; TO STRENGTHEN THE LOCAL ECONOMY; TO
23 FOSTER CIVIC BEAUTY; AND TO PROMOTE THE
24 PRESERVATION AND APPRECIATION OF SUCH SITES,
25 STRUCTURES, AND DISTRICTS FOR THE EDUCATION AND
26 WELFARE OF THE RESIDENTS OF CHARLES COUNTY.

27
28 **§ 297-498. STATUTORY AUTHORITY.** THIS CHAPTER IS ADOPTED
29 PURSUANT TO THE PROVISIONS OF SECTIONS 8.01-8.17 OF ARTICLE

66B OF THE ANNOTATED CODE OF MARYLAND, AS AMENDED.

§ 297-499. DEFINITIONS OF TERMS APPLICABLE TO HISTORIC AREA

ZONING. FOR THE PURPOSE OF THE HISTORIC AREA ZONING, THE FOLLOWING WORDS AND PHRASES SHALL HAVE THE MEANINGS RESPECTIVELY ASCRIBED TO THEM:

A. ALTERATION - ANY EXTERIOR CHANGE THAT WOULD AFFECT THE HISTORIC, ARCHEOLOGICAL, OR ARCHITECTURAL SIGNIFICANCE OF A DESIGNATED SITE OR STRUCTURE, ANY PORTION OF WHICH IS VISIBLE OR INTENDED TO BE VISIBLE FROM A PUBLIC WAY, INCLUDING, BUT NOT LIMITED TO, CONSTRUCTION, RECONSTRUCTION, MOVING, OR DEMOLITION.

B. APPURTENANCES AND ENVIRONMENTAL SETTINGS - ALL THE AREA OF THE GROUNDS AND STRUCTURES THEREON WHICH SURROUNDS A HISTORIC SITE OR STRUCTURE AND TO WHICH IT RELATES PHYSICALLY OR VISUALLY. APPURTENANCES AND ENVIRONMENTAL SETTINGS SHALL INCLUDE, BUT NOT BE LIMITED TO, WALKWAYS AND DRIVEWAYS (WHETHER PAVED OR NOT), TREES, LANDSCAPING, PASTURES, CROP LANDS, WATERWAYS, OPEN SPACE, SETBACKS, PARKS, PUBLIC SPACES AND ROCKS.

C. CERTIFICATE OF APPROVAL - A CERTIFICATE ISSUED BY THE HISTORIC PRESERVATION COMMISSION INDICATING ITS APPROVAL OF PLANS FOR CONSTRUCTION, ALTERATION, RECONSTRUCTION, MOVING, OR DEMOLITION OF AN

1 INDIVIDUALLY DESIGNATED LANDMARK, SITE OR
2 STRUCTURE OR OF A SITE OR STRUCTURE WITHIN A
3 DESIGNATED PRESERVATION DISTRICT.
4

5 D. DEMOLITION BY NEGLECT - ANY WILLFUL NEGLECT IN THE
6 MAINTENANCE AND REPAIR OF AN INDIVIDUALLY
7 DESIGNATED LANDMARK, SITE, OR STRUCTURE, OR A SITE OR
8 STRUCTURE WITHIN A DESIGNATED PRESERVATION DISTRICT,
9 NOT INCLUDING ANY APPURTENANCES AND
10 ENVIRONMENTAL SETTINGS, THAT DOES NOT RESULT FROM
11 AN OWNER'S FINANCIAL INABILITY TO MAINTAIN AND
12 REPAIR SUCH LANDMARK, SITE, OR STRUCTURE, AND WHICH
13 RESULTS IN ANY OF THE FOLLOWING CONDITIONS:
14

15 (1) THE DETERIORATION OF THE FOUNDATIONS, EXTERIOR
16 WALLS, ROOFS, CHIMNEYS, DOORS, OR WINDOWS, SO
17 AS TO CREATE OR PERMIT A HAZARDOUS OR UNSAFE
18 CONDITION TO EXIST; OR
19

20 (2) THE DETERIORATION OF THE FOUNDATIONS, EXTERIOR
21 WALLS, ROOFS, CHIMNEYS, DOORS, OR WINDOWS, THE
22 LACK OF ADEQUATE WATERPROOFING, OR THE
23 DETERIORATION OF INTERIOR FEATURES WHICH WILL
24 OR COULD RESULT IN PERMANENT DAMAGE, INJURY,
25 OR LOSS OF OR LOSS TO FOUNDATIONS, EXTERIOR
26 WALLS, ROOFS, CHIMNEYS, DOORS, OR WINDOWS.
27

28 E. EXTERIOR FEATURES - THE ARCHITECTURAL STYLE, DESIGN,
29 AND GENERAL ARRANGEMENT OF THE EXTERIOR OF ANY

1 HISTORIC STRUCTURE, INCLUDING THE NATURE AND
2 TEXTURE OF BUILDING MATERIAL, AND THE TYPE AND STYLE
3 OF ALL WINDOWS, DOORS, LIGHT FIXTURES, SIGNS, OR
4 SIMILAR ITEMS FOUND ON OR RELATED TO THE EXTERIOR OF
5 AN HISTORIC STRUCTURE.
6

7 F. HISTORIC AREA WORK PERMIT - A PERMIT ISSUED BY THE
8 DEPARTMENT OF PLANNING AND GROWTH MANAGEMENT
9 UPON RECEIVING A CERTIFICATE OF APPROVAL FROM THE
10 COMMISSION FOR ALL PROJECTS THAT THE COUNTY
11 CONDUCTS, ASSISTS, LICENSES, OR PERMITS THAT AFFECT
12 PROPERTIES WITHIN A DESIGNATED DISTRICT OR
13 INDIVIDUALLY DESIGNATED SITES OR LANDMARKS.
14

15 G. HISTORIC DISTRICT - A SIGNIFICANT CONCENTRATION,
16 LINKAGE, OR CONTINUITY OF SITES, STRUCTURES, OR
17 OBJECTS UNITED HISTORICALLY, ARCHITECTURALLY,
18 ARCHEOLOGICALLY, CULTURALLY, OR AESTHETICALLY BY
19 PLAN OR PHYSICAL DEVELOPMENT. A HISTORIC DISTRICT
20 SHALL INCLUDE ALL PROPERTY WITHIN ITS BOUNDARIES AS
21 DEFINED AND DESIGNATED BY THE COUNTY
22 COMMISSIONERS.
23

24 H. LANDMARK - ANY DESIGNATED SITE OR STRUCTURE OUTSIDE
25 THE BOUNDARIES OF A PRESERVATION DISTRICT THAT IS OF
26 EXCEPTIONAL HISTORIC, ARCHEOLOGICAL, OR
27 ARCHITECTURAL SIGNIFICANCE.
28

29 I. RECONSTRUCTION - THE PROCESS OF REPRODUCING BY NEW

1 CONSTRUCTION THE EXACT FORM AND DETAIL OF A
2 VANISHED STRUCTURE, OR PART THEREOF, AS IT APPEARED
3 AT A SPECIFIC PERIOD OF TIME.
4

5 J. RESTORATION - THE PROCESS OF ACCURATELY RECOVERING
6 THE FORM AND DETAILS OF A PROPERTY AS IT APPEARED AT
7 A SPECIFIC PERIOD OF TIME BY MEANS OF REMOVAL OF
8 LATER WORK AND THE REPLACEMENT OF WORK MISSING
9 FROM THAT PERIOD.
10

11 K. ROUTINE MAINTENANCE - MEANS WORK THAT DOES NOT
12 ALTER THE EXTERIOR FABRIC OR FEATURES OF A SITE OR
13 STRUCTURE AND HAS NO MATERIAL EFFECT ON THE
14 HISTORICAL, ARCHAEOLOGICAL, OR ARCHITECTURAL
15 SIGNIFICANCE OF THE SITE OR STRUCTURE.
16

17 L. SITE - THE LOCATION OF AN EVENT OF HISTORIC
18 SIGNIFICANCE OR A STRUCTURE, WHETHER STANDING OR
19 RUINED, WHICH POSSESSES HISTORIC, ARCHITECTURAL,
20 ARCHEOLOGICAL, OR CULTURAL SIGNIFICANCE.
21

22 M. STRUCTURE - A COMBINATION OF MATERIAL TO FORM A
23 CONSTRUCTION THAT IS STABLE, INCLUDING BUT NOT
24 LIMITED TO BUILDINGS, STADIUMS, REVIEWING STANDS,
25 PLATFORMS, STAGES, OBSERVATION TOWERS, RADIO
26 TOWERS, WATER TANKS AND TOWERS, TRESTLES, BRIDGES,
27 PIERS, PAVING, BULKHEADS, WHARVES, SHEDS, COAL BINS,
28 SHELTERS, FENCES, AND DISPLAY SIGNS VISIBLE OR
29 INTENDED TO BE VISIBLE FROM A PUBLIC WAY. THE TERM

1 “STRUCTURE” SHALL BE CONSTRUED AS IF FOLLOWED BY
2 THE WORDS, “OR PART THEREOF.”
3

4 **§ 297-500. HISTORIC PRESERVATION COMMISSION.**
5

6 A. HISTORIC PRESERVATION COMMISSION. THE COUNTY
7 HEREBY CREATES A COMMISSION TO BE CALLED THE
8 CHARLES COUNTY HISTORIC PRESERVATION COMMISSION.
9

10 B. MEMBERSHIP. THE HISTORIC PRESERVATION COMMISSION
11 SHALL CONSIST OF FIVE MEMBERS APPOINTED BY THE
12 COUNTY COMMISSIONERS:
13

14 (1) A MAJORITY OF MEMBERS SHALL BE RESIDENTS OF
15 CHARLES COUNTY;
16

17 (2) EACH MEMBER SHALL POSSESS A DEMONSTRATED
18 SPECIAL INTEREST, SPECIFIC KNOWLEDGE, OR
19 PROFESSIONAL OR ACADEMIC TRAINING IN SUCH
20 FIELDS AS HISTORY, ARCHITECTURE, ARCHITECTURAL
21 HISTORY, PLANNING, ARCHEOLOGY, ANTHROPOLOGY,
22 CURATION, CONSERVATION, LANDSCAPE
23 ARCHITECTURE, HISTORIC PRESERVATION, URBAN
24 DESIGN, OR RELATED DISCIPLINES;
25

26 (a) THE SPECIAL INTEREST REQUIREMENT CAN BE
27 SATISFIED BY EITHER FORMAL TRAINING IN ONE
28 OR MORE OF THE FIELDS OR ACTIVE
29 MEMBERSHIP IN A PRESERVATION RELATED

1 ORGANIZATION;

2
3 (b) THE SPECIFIC KNOWLEDGE REQUIREMENT MAY
4 BE SATISFIED BY FORMAL POST SECONDARY
5 EDUCATION, EMPLOYMENT OR PRACTICAL
6 EXPERIENCE IN ONE OR MORE OF THE ABOVE
7 LISTED FIELDS;

8
9 (c) THE PROFESSIONAL OR ACADEMIC TRAINING
10 REQUIREMENT MAY BE SATISFIED BY, AT A
11 MINIMUM, TWO YEARS EXPERIENCE AS A
12 PROFESSIONAL OR A BACHELOR'S DEGREE IN
13 ONE OR MORE OF THE ABOVE LISTED FIELDS;

14
15 (3) NONRESIDENT APPOINTEES TO THE COMMISSION MUST
16 POSSESS PROFESSIONAL OR ACADEMIC
17 QUALIFICATIONS;

18
19 (4) AT LEAST TWO (2) MEMBERS OF THE COMMISSION
20 SHALL POSSESS PROFESSIONAL OR ACADEMIC
21 TRAINING IN ONE OR MORE OF THE ABOVE LISTED
22 FIELDS IN ACCORDANCE WITH THE MINIMUM
23 PROFESSIONAL REQUIREMENTS OF THE UNITED STATES
24 DEPARTMENT OF THE INTERIOR FOR CERTIFYING
25 LOCAL GOVERNMENTS UNDER 36 CFR PART 61.

26
27 (5) TO SATISFY THE ABOVE MEMBERSHIP REQUIREMENTS,
28 TWO (2) MEMBERS MAY BE APPOINTED FROM THE
29 CHARLES COUNTY SITE DESIGN AND ARCHITECTURAL

1 REVIEW BOARD, TWO (2) MEMBERS MAY BE APPOINTED
2 FROM THE CHARLES COUNTY HISTORICAL TRUST, AND
3 ONE (1) MEMBER MAY BE APPOINTED FROM THE
4 CITIZENRY AT LARGE. HOWEVER, IF THIS COMPOSITION
5 OF MEMBERSHIP IS NOT POSSIBLE FOR ANY REASON,
6 ONLY REQUIREMENTS (1) THROUGH (4) ABOVE WILL
7 APPLY TO MEMBERSHIP ON THE COMMISSION.
8

9 C. TERMS. COMMISSION MEMBERS SHALL BE APPOINTED FOR
10 TERMS OF THREE (3) YEARS, EXCEPT THAT THE TERMS OF THE
11 INITIAL APPOINTMENTS SHALL BE STAGGERED SO THAT
12 THREE (3) MEMBERS SHALL SERVE TERMS OF THREE (3)
13 YEARS, TWO (2) MEMBERS SHALL SERVE TERMS OF TWO (2)
14 YEARS SO THAT NO MORE THAN THREE (3) APPOINTMENTS
15 SHALL EXPIRE IN A GIVEN YEAR. COMMISSION MEMBERS
16 MAY BE REAPPOINTED.
17

18 D. COMMISSION OFFICERS. THE COMMISSION SHALL ELECT,
19 FROM ITS MEMBERSHIP, A CHAIRPERSON AND VICE
20 CHAIRPERSON. THE CHAIRPERSON AND VICE CHAIRPERSON
21 SHALL SERVE FOR ONE (1) YEAR TERMS AND SHALL BE
22 ELIGIBLE FOR RE-ELECTION.
23

24 E. VACANCY. ANY VACANCY IN THE MEMBERSHIP OF THE
25 COMMISSION CAUSED BY THE EXPIRATION OF A TERM,
26 RESIGNATION, DEATH, INCAPACITY TO DISCHARGE DUTIES,
27 REMOVAL FOR CAUSE, OR ANY OTHER REASON, SHALL BE
28 FILLED FOR A NEW TERM, OR FOR THE REMAINDER OF THE
29 TERM FOR WHICH THERE IS A VACANCY, AS THE CASE MAY

1 BE, IN THE SAME MANNER AS PROVIDED HEREIN FOR THE
2 APPOINTMENT OF THE INITIAL MEMBERS OF THE
3 COMMISSION.
4

5 (1) ANY VACANCY ON THE COMMISSION SHALL BE FILLED
6 BY THE CHARLES COUNTY COMMISSIONERS WITHIN
7 SIXTY (60) DAYS.
8

9 (2) IN THE CASE OF EXPIRATION OF TERM, A MEMBER MAY
10 CONTINUE TO SERVE UNTIL THE MEMBER'S SUCCESSOR
11 IS APPOINTED.
12

13 (3) UNEXCUSED ABSENCE AT THREE (3) CONSECUTIVE
14 MEETINGS SHALL CONSTITUTE RESIGNATION BY THE
15 MEMBER AND SHALL CREATE A VACANCY.
16

17 F. REMOVAL FOR CAUSE. A MEMBER MAY BE REMOVED FROM
18 THE COMMISSION FOR CAUSE, UPON WRITTEN CHARGES, BY
19 THE CHARLES COUNTY COMMISSIONERS.
20

21 G. COMPENSATION. COMMISSION MEMBERS SHALL SERVE
22 WITHOUT COMPENSATION, BUT MAY BE REIMBURSED FOR
23 ACTUAL EXPENSES INCURRED IN THE PERFORMANCE OF
24 THEIR DUTIES, PROVIDED SAID EXPENSES ARE PERMITTED BY
25 THE BUDGET AND APPROVED IN ADVANCE BY THE
26 DEPARTMENT OF PLANNING AND GROWTH MANAGEMENT.
27

28 H. MEETINGS. THE COMMISSION SHALL HOLD SUCH REGULAR
29 MEETINGS AND HEARINGS AS NECESSARY TO DISCHARGE ITS

1 DUTIES.

- 2
- 3 I. STAFF. CONSISTENT WITH THE COUNTY’S POLICIES AND
- 4 PROCEDURES, EMPLOYEES MAY BE ASSIGNED TO THE
- 5 COMMISSION, AND SUCH SERVICES AND FACILITIES SHALL BE
- 6 MADE AVAILABLE AS THE COUNTY DEEMS NECESSARY OR
- 7 APPROPRIATE FOR THE PROPER PERFORMANCE OF ITS
- 8 DUTIES.
- 9

10 **§ 297-501. POWERS AND DUTIES.** THE HISTORIC PRESERVATION

11 COMMISSION SHALL HAVE THE FOLLOWING POWERS AND DUTIES:

12

- 13 A. DIRECT STUDIES, REPORTS, AND SURVEYS TO IDENTIFY
- 14 HISTORICAL, ARCHEOLOGICAL, OR ARCHITECTURALLY
- 15 SIGNIFICANT SITES, STRUCTURES, AND DISTRICTS THAT
- 16 EXEMPLIFY THE CULTURAL, SOCIAL, ECONOMIC, POLITICAL,
- 17 OR ARCHITECTURAL HISTORY OF THE COUNTY, STATE, OR
- 18 NATIONS;
- 19
- 20 B. ACCEPT AND USE GIFTS FOR THE EXERCISE OF ITS
- 21 FUNCTIONS, CONSISTENT WITH THE COUNTY’S CHARTER,
- 22 ORDINANCES, RESOLUTIONS, LOCAL PUBLIC LAW, POLICIES
- 23 AND PROCEDURES REGARDING THE ACCEPTANCE AND USE
- 24 OF GIFTS BY PUBLIC OFFICIALS;
- 25
- 26 C. PRESCRIBE APPROPRIATE RULES AND REGULATIONS FOR
- 27 TRANSACTION OF ITS BUSINESS;
- 28
- 29 D. ACCEPT AND REVIEW APPLICATIONS FOR DESIGNATION OF

1 LOCAL HISTORIC LANDMARKS AND DISTRICTS, AND
2 FORWARD RECOMMENDATIONS TO THE PLANNING
3 COMMISSION FOR THEIR REVIEW AND RECOMMENDATION TO
4 THE COUNTY COMMISSIONERS;

5
6 E. REVIEW AND PROCESS APPLICATIONS FOR CERTIFICATES OF
7 APPROVAL;

8
9 F. RECOMMEND FOR ADOPTION BY THE COUNTY
10 COMMISSIONERS REHABILITATION AND NEW CONSTRUCTION
11 DESIGN GUIDELINES AND CRITERIA FOR CONSTRUCTION,
12 ALTERATION, RECONSTRUCTION, MOVING, AND DEMOLITION
13 OF DESIGNATED LANDMARKS, SITES, STRUCTURES, AND
14 DISTRICTS WHICH ARE CONSISTENT WITH THE SECRETARY OF
15 THE INTERIOR'S STANDARDS FOR THE TREATMENT OF
16 HISTORIC PROPERTIES (36 CFR PART 68). GUIDELINES MAY
17 INCLUDE DESIGN CHARACTERISTICS INTENDED TO MEET THE
18 NEEDS OF PARTICULAR TYPES OF SITES, STRUCTURES, AND
19 DISTRICTS, AND MAY IDENTIFY CATEGORIES OF CHANGES
20 THAT, BECAUSE THEY ARE MINIMAL IN NATURE, DO NOT
21 AFFECT HISTORIC, ARCHEOLOGICAL, OR ARCHITECTURAL
22 SIGNIFICANCE, DO NOT REQUIRE REVIEW BY THE
23 COMMISSION. THESE GUIDELINES SHALL BE USED IN THE
24 COMMISSION'S REVIEW OF APPLICATIONS;

25
26 G. ACCEPT OR OTHERWISE ACQUIRE HISTORIC PRESERVATION
27 EASEMENTS ON DESIGNATED LANDMARKS, STRUCTURES, OR
28 SITES AND, WHEN DEEMED APPROPRIATE BY THE
29 COMMISSION, SITES OR STRUCTURES LOCATED IN, OR

1 ADJACENT TO, A DESIGNATED DISTRICT, CONSISTENT WITH
2 THE COUNTY'S CHARTER, ORDINANCES, RESOLUTIONS LOCAL
3 PUBLIC LAW, POLICIES AND PROCEDURES GOVERNING THE
4 ACQUISITION OF EASEMENTS;

5
6 H. MAKE RECOMMENDATIONS TO THE DEPARTMENT OF
7 PLANNING AND GROWTH MANAGEMENT ON THE COURSE OF
8 ACTION IN THE EVENT OF DEMOLITION, SUBDIVISION OR SITE
9 DEVELOPMENT OF LAND CONTAINING A LOCAL HISTORIC
10 LANDMARK OR DISTRICT AS IT RELATES TO THE
11 PRESERVATION OF THE HISTORIC RESOURCE;

12
13 I. ADOPT RULES TO IMPLEMENT AND ADMINISTER A LOCAL
14 HISTORIC TAX CREDIT PROGRAM. THE COMMISSION SHALL
15 ADOPT RULES TO IMPLEMENT THE HISTORIC TAX CREDIT
16 PROGRAM UNDER SECTION _____ OF THE COUNTY CODE;

17
18 J. APPROVE HISTORIC TAX CREDITS. AS SPECIFIED IN SECTION
19 _____ OF THE COUNTY CODE, THE COMMISSION MAY
20 DETERMINE WHETHER A HISTORIC STRUCTURE IS ELIGIBLE
21 FOR A HISTORIC TAX CREDIT AND APPROVE AN APPLICATION
22 FOR A HISTORIC TAX CREDIT; AND,

23
24 K. UNDERTAKE ANY OTHER ACTION OR ACTIVITY NECESSARY
25 OR APPROPRIATE TO THE IMPLEMENTATION OF ITS POWERS
26 AND DUTIES OR THE IMPLEMENTATION OF THE PURPOSE OF
27 THIS ARTICLE.

28
29 **§ 297-502. DESIGNATION.** THE COUNTY COMMISSIONERS OF CHARLES

COUNTY MAY DESIGNATE BOUNDARIES FOR LANDMARKS, SITES, STRUCTURES, OR DISTRICTS OF HISTORIC, ARCHEOLOGICAL, OR ARCHITECTURAL SIGNIFICANCE CONSISTENT WITH ADOPTED CRITERIA FOR SUCH DESIGNATION ACCORDING TO THE PROCEDURES OUTLINED IN THIS ACT.

A. INITIATION OF REVIEW. HISTORIC SITES OR STRUCTURES MAY BE EVALUATED FOR DESIGNATION AS LOCAL HISTORIC DISTRICTS OR LANDMARKS UNDER THE FOLLOWING SITUATIONS:

- (1) UPON THE WRITTEN REQUEST OF THE OWNER OR ANY PUBLIC AGENCY, OR;
- (2) UPON THE DECISION OF THE HISTORIC PRESERVATION COMMISSION FOR SUCH REVIEW, EITHER AT THE REQUEST OF ONE OF ITS MEMBERS OR OF ANY CITIZEN OR GROUP, OR;
- (3) UPON THE REFERRAL OF ANY APPLICATION FOR A ZONING MAP AMENDMENT, SPECIAL EXCEPTION, SUBDIVISION, OR SITE PLAN APPROVAL THAT INCLUDES A HISTORIC RESOURCE, OR;
- (4) UPON REFERRAL OF ANY APPLICATION TO DEMOLISH THE HISTORIC RESOURCE; OR
- (5) UPON NOTIFICATION THAT THE HISTORIC RESOURCE IS SUBJECT TO DEMOLITION BY NEGLECT.

1 B. DESIGNATION PROCEDURE. UPON APPLICATION, THE
2 HISTORIC PRESERVATION COMMISSION AFTER MAKING A
3 FULL AND PROPER STUDY, RECOMMENDS ANY AREA WITHIN
4 THE LIMITS OF THE COUNTY FOR DESIGNATION AS A
5 LANDMARK, SITE, STRUCTURE, OR DISTRICT OF HISTORIC,
6 ARCHEOLOGICAL, OR ARCHITECTURAL SIGNIFICANCE. THE
7 COMMISSION MAY ALSO RECOMMEND BOUNDARIES FOR
8 SUCH LANDMARKS, SITES, STRUCTURES OR DISTRICTS. THE
9 RECOMMENDATIONS SHALL BE SUBMITTED TO THE
10 PLANNING COMMISSION FOR THEIR REVIEW AND
11 FORWARDING TO THE COUNTY COMMISSIONERS FOR
12 APPROVAL OR DISAPPROVAL.
13

14 C. CRITERIA FOR DESIGNATION. THE FOLLOWING CRITERIA ARE
15 TO BE CONSIDERED WHEN MAKING A DETERMINATION TO
16 DESIGNATE A RESOURCE AS A LOCAL LANDMARK OR
17 DISTRICT.
18

19 (1) HISTORICAL AND CULTURAL SIGNIFICANCE. THE
20 HISTORIC RESOURCE:
21

22 (a) HAS CHARACTER, INTEREST, OR VALUE AS PART
23 OF THE DEVELOPMENT, HERITAGE, OR CULTURE
24 OF THE COUNTY, STATE OR NATION, OR;
25

26 (b) IS ASSOCIATED WITH EVENTS IMPORTANT TO
27 THE PAST, OR;
28

29 (c) IS ASSOCIATED WITH PERSONS IMPORTANT IN

1 THE PAST, OR;

2
3 (d) HAS THE POTENTIAL TO PROVIDE IMPORTANT
4 INFORMATION ABOUT HISTORY OR PREHISTORY.
5

6 (2) ARCHITECTURAL AND DESIGN SIGNIFICANCE. THE
7 HISTORIC RESOURCE:
8

9 (a) EMBODIES THE DISTINCTIVE CHARACTERISTICS
10 OF A TYPE, PERIOD, OR METHOD OF
11 CONSTRUCTION, OR;
12

13 (b) REPRESENTS THE WORK OF A MASTER, OR:
14

15 (c) POSSESSES HIGH ARTISTIC VALUES, OR:
16

17 (d) REPRESENTS A SIGNIFICANT AND
18 DISTINGUISHABLE ENTITY WHOSE COMPONENTS
19 MAY LACK INDIVIDUAL DISTINCTION.
20

21 E. APPLICATION FORM FOR HISTORIC DESIGNATION.
22

23 (1) THE MARYLAND INVENTORY OF HISTORIC PROPERTIES
24 FORM OR THE NATIONAL REGISTER OF HISTORIC
25 PLACES NOMINATION FORMS SHALL SERVE AS THE
26 APPLICATION FORM FOR EVALUATION OF HISTORIC
27 AND ARCHITECTURAL SIGNIFICANCE.
28

29 (2) APPLICATIONS SHOULD DOCUMENT HOW THE

1 PROPERTY MEETS THE CRITERIA FOR EVALUATION
2 AND SHOULD INCLUDE SLIDES, PHOTOGRAPHS,
3 ORIENTATION MAP, SITE PLAN AND, IF RELEVANT,
4 DRAWINGS.

5
6 (3) APPLICATIONS FOR CREATION OF A HISTORIC DISTRICT
7 SHALL INCLUDE A MAP SHOWING PROPOSED
8 BOUNDARIES, AN ACCURATE DESCRIPTION OF THOSE
9 BOUNDARIES, AND A STATEMENT OF JUSTIFICATION
10 FOR THE PROPOSED BOUNDARIES.

11
12 (4) IT IS THE RESPONSIBILITY OF THE APPLICANT TO
13 PRESENT COMPLETED MATERIALS FOR A DISTRICT AND
14 EVIDENCE OF MAJORITY SUPPORT, UNLESS REVIEW IS
15 INITIATED BY HISTORIC PRESERVATION COMMISSION
16 ACTION.

17
18 F. PUBLIC MEETING. APPLICATIONS FOR DESIGNATION SHALL
19 BE EVALUATED AT REGULAR PUBLIC MEETINGS OF THE
20 HISTORIC PRESERVATION COMMISSION, UPON PROPER
21 NOTIFICATION OF THE OWNER, APPLICANT AND INTERESTED
22 PARTIES. ANY PUBLIC MEETINGS MAY BE ADJOURNED TO A
23 SPECIFIED TIME AND PLACE THAT IS ANNOUNCED OR POSTED
24 AT THE PUBLIC MEETING.

25
26 G. NOTICE. AT LEAST TWO (2) WEEKS PRIOR TO THE SCHEDULED
27 PUBLIC MEETING, THE HISTORIC PRESERVATION COMMISSION
28 SHALL SEND WRITTEN NOTICE OF THE DATE, TIME, AND
29 PLACE OF THE MEETING TO THE OWNER(S) OF THE HISTORIC

1 RESOURCE AND TO THOSE AGENCIES, ORGANIZATIONS, AND
2 CITIZENS THAT THE COMMISSION FEELS MAY HAVE AN
3 INTEREST IN THE PROCEEDINGS.
4

5 H. DESIGNATION REMOVAL. SHOULD A LANDMARK OR DISTRICT
6 NO LONGER MEET THE ABOVE CRITERIA, THE DESIGNATION
7 MAY BE REMOVED BY LEGISLATIVE ACTION OF THE COUNTY
8 COMMISSIONERS AFTER RECEIPT OF A RECOMMENDATION
9 FROM THE HISTORIC PRESERVATION COMMISSION. SHOULD
10 A LOCAL HISTORIC LANDMARK OR A RESOURCE WITHIN A
11 LOCAL HISTORIC DISTRICT HAVE RECEIVED COUNTY
12 AUTHORIZED OR ADMINISTERED PRESERVATION GRANTS,
13 LOANS OR SPECIAL PROPERTY TAX INCENTIVES, THE COUNTY
14 COMMISSIONERS MAY REQUIRE THAT THOSE FUNDS RECEIVE
15 THROUGH GRANTS, LOANS OR TAX INCENTIVES BE
16 REIMBURSED IN FULL TO THE COUNTY PRIOR TO THE SITE
17 BEING REMOVED FROM LOCAL LANDMARK OR LOCAL
18 HISTORIC DISTRICT DESIGNATION.
19

20 **§ 297-503. APPLICATION FOR CERTIFICATE OF APPROVAL AND**
21 **COMMISSION REVIEW.**
22

23 A. APPLICATION FOR CERTIFICATES OF APPROVAL. BEFORE THE
24 CONSTRUCTION, ALTERATION, RECONSTRUCTION, MOVING
25 OR DEMOLITION IS UNDERTAKEN OF A DESIGNATED
26 LANDMARK, SITE, OR STRUCTURE, OR SITE OR STRUCTURE
27 WITHIN A DESIGNATED DISTRICT, IF AN EXTERIOR CHANGE IS
28 INVOLVED WHICH WOULD AFFECT THE HISTORIC,
29 ARCHEOLOGICAL OR ARCHITECTURAL SIGNIFICANCE OF A

DESIGNATED LANDMARK, SITE, OR STRUCTURE, OR
STRUCTURE WITHIN A DESIGNATED DISTRICT, ANY PORTION
OF WHICH IS VISIBLE OR INTENDED TO BE VISIBLE FROM A
PUBLIC WAY, THE PERSON, INDIVIDUAL, FIRM, OR
CORPORATION PROPOSING TO MAKE THE CONSTRUCTION OF
CHANGE SHALL FILE AN APPLICATION FOR A CERTIFICATE OF
APPROVAL FOR PERMISSION TO CONSTRUCT, ALTER,
RECONSTRUCT, MOVE, OR DEMOLISH THE LANDMARK, SITE,
OR STRUCTURE. EVERY APPLICATION SHALL BE REFERRED
TO AND CONSIDERED BY THE COMMISSION FOR ACCEPTANCE
OR REJECTION. AN APPLICATION WHICH IS IDENTICAL TO A
REJECTED APPLICATION MAY NOT BE RESUBMITTED WITHIN
A PERIOD OF ONE YEAR AFTER THE REJECTION. NO
CERTIFICATE OF APPROVAL SHALL BE GRANTED UNTIL THE
COMMISSION HAS ACTED THEREON AS HEREINAFTER
PROVIDED.

B. APPLICATION REVIEW.

(1) IN REVIEWING APPLICATIONS, THE COMMISSION SHALL
GIVE CONSIDERATION TO:

- (a) THE HISTORIC, ARCHEOLOGICAL, OR
ARCHITECTURAL SIGNIFICANCE OF THE
LANDMARK, SITE, OR STRUCTURE AND ITS
RELATIONSHIP OF THE EXTERIOR
ARCHITECTURAL FEATURES OF A LANDMARK OR
STRUCTURE TO THE REMAINDER OF THE
LANDMARK OR STRUCTURE AND TO THE

1 SURROUNDING AREA;
2

3 (b) THE GENERAL COMPATIBILITY OF PROPOSED
4 EXTERIOR DESIGN, SCALE, PROPORTION,
5 ARRANGEMENT, TEXTURE, AND MATERIALS TO
6 THE LANDMARK, SITE, OR STRUCTURE AND TO
7 THE SURROUNDING AREA; AND
8

9 (c) ANY OTHER FACTORS WHICH THE COMMISSION
10 DEEMS TO BE PERTINENT.
11

12 (2) THE COMMISSION SHALL CONSIDER ONLY EXTERIOR
13 FEATURES OF A LANDMARK OR STRUCTURE AND
14 SHALL NOT CONSIDER ANY INTERIOR ARRANGEMENTS.
15

16 (3) THE COMMISSION SHALL NOT DISAPPROVE AN
17 APPLICATION EXCEPT WITH RESPECT TO THE SEVERAL
18 FACTORS SPECIFIED IN PARAGRAPH (1) ABOVE.
19

20 (4) THE COMMISSION SHALL BE STRICT IN IT JUDGEMENT
21 OF PLANS FOR SITES OR STRUCTURED DETERMINED BY
22 RESEARCH TO BE OF HISTORIC, ARCHEOLOGICAL, OR
23 ARCHITECTURAL SIGNIFICANCE. THE COMMISSION
24 SHALL BE LENIENT IN ITS JUDGEMENT OF PLANS FOR
25 SITES OR STRUCTURES OF LITTLE HISTORIC,
26 ARCHEOLOGICAL, OR ARCHITECTURAL SIGNIFICANCE,
27 OR OF PLANS INVOLVING NEW CONSTRUCTION, UNLESS
28 IN THE COMMISSION'S JUDGMENT SUCH PLANS WOULD
29 SERIOUSLY IMPAIR THE HISTORIC, ARCHEOLOGICAL,

1 OR ARCHITECTURAL SIGNIFICANCE OF SURROUNDING
2 SITES OR STRUCTURES. THE COMMISSION IS NOT
3 REQUIRED TO LIMIT CONSTRUCTION,
4 RECONSTRUCTION OR ALTERATION TO THE
5 ARCHITECTURAL STYLE OF ANY ONE (1) PERIOD.
6

7 (a) IF AN APPLICATION IS SUBMITTED FOR
8 CONSTRUCTION, RECONSTRUCTION, OR
9 ALTERATION AFFECTING A SITE OR THE
10 EXTERIOR OF A STRUCTURE OR FOR THE MOVING
11 OR DEMOLITION OF A STRUCTURE, THE
12 PRESERVATION OF WHICH THE COMMISSION
13 CONSIDERS TO BE OF UNUSUAL IMPORTANCE TO
14 CHARLES COUNTY OR OF UNUSUAL IMPORTANCE
15 TO THE STATE OR NATION, THE COMMISSION
16 SHALL ATTEMPT TO FORMULATE AN
17 ECONOMICALLY FEASIBLE PLAN WITH THE
18 OWNER(S) OF THE SITE OR STRUCTURE FOR THE
19 PRESERVATION OF THE SITE OR STRUCTURE.
20 UNLESS THE COMMISSION IS SATISFIED THAT
21 THE PROPOSED CONSTRUCTION, ALTERATION, OR
22 RECONSTRUCTION WILL NOT MATERIALLY
23 IMPAIR THE HISTORIC, ARCHEOLOGICAL, OR
24 ARCHITECTURAL SIGNIFICANCE OF THE SITE OR
25 STRUCTURE, THE COMMISSION SHALL REJECT
26 THE APPLICATION, FILING A COPY OF ITS
27 REJECTION WITH THE DEPARTMENT OF
28 PLANNING AND GROWTH MANAGEMENT.
29

- 1 (b) IF AN APPLICATION IS SUBMITTED FOR
2 CONSTRUCTION, RECONSTRUCTION, OR
3 ALTERATION, OR FOR THE MOVING OR
4 DEMOLITION OF A SITE OR STRUCTURE THAT THE
5 COMMISSION CONSIDERS TO BE OF UNUSUAL
6 IMPORTANCE AND NO ECONOMICALLY FEASIBLE
7 PLAN CAN BE FORMULATED, THE COMMISSION
8 SHALL HAVE NINETY (90) DAYS, FROM THE TIME
9 IT CONCLUDES THAT NO ECONOMICALLY
10 FEASIBLE PLAN CAN BE FORMULATED, TO
11 NEGOTIATE WITH THE OWNER AND OTHER
12 PARTIES IN AN EFFORT TO FIND A MEANS OF
13 PRESERVING THE SITE OR STRUCTURE. IN THE
14 CASE OF A SITE OR STRUCTURE CONSIDERED TO
15 BE VALUABLE FOR ITS HISTORIC,
16 ARCHEOLOGICAL, OR ARCHITECTURAL
17 SIGNIFICANCE, THE COMMISSION MAY APPROVE
18 THE PROPOSED CONSTRUCTION,
19 RECONSTRUCTION, ALTERATION, MOVING, OR
20 DEMOLITION DESPITE THE PROVISIONS OF THIS
21 SECTION IF:
- 22 (I) THE SITE OR STRUCTURE IS A DETERRENT
23 TO A MAJOR IMPROVEMENT PROGRAM
24 WHICH WILL BE OF SUBSTANTIAL BENEFIT
25 TO CHARLES COUNTY;
- 26 (II) RETENTION OF THE SITE OR STRUCTURE
27 WOULD CAUSE UNDUE FINANCIAL
28 HARDSHIP TO THE OWNER; OR,
- 29 (III) RETENTION OF THE SITE OR STRUCTURE

1 WOULD NOT BE IN THE BEST INTERESTS OF
2 A MAJORITY OF PERSONS IN CHARLES
3 COUNTY.
4

5 (c) COMMISSION DECISION. THE COMMISSION
6 SHALL FILE WITH THE DEPARTMENT OF
7 PLANNING AND GROWTH MANAGEMENT A
8 CERTIFICATE OF APPROVAL CERTIFYING ITS
9 APPROVAL, MODIFICATION, OR REJECTION OF
10 EACH APPLICATION AND PLANS SUBMITTED TO
11 IT FOR REVIEW. WORK SHALL NOT BE
12 COMMENCED ON ANY PROJECT UNTIL SUCH A
13 CERTIFICATE OF APPROVAL HAS BEEN FILED
14 AND THE DEPARTMENT OF PLANNING AND
15 GROWTH MANAGEMENT SHALL NOT ISSUE A
16 HISTORIC AREA WORK PERMIT OR BUILDING
17 PERMIT FOR SUCH CHANGE OR CONSTRUCTION
18 UNLESS IT HAS RECEIVED SUCH A CERTIFICATE
19 OF APPROVAL. THE FAILURE OF THE
20 COMMISSION TO ACT UPON A COMPLETED
21 APPLICATION WITHIN FORTY-FIVE (45) DAYS
22 FROM THE DATE THE COMPLETED APPLICATION
23 WAS FILED SHALL BE DEEMED TO CONSTITUTE
24 AUTOMATIC APPROVAL OF THE PROPOSED
25 CHANGES UNLESS AN EXTENSION OF THIS
26 FORTY-FIVE (45) DAY PERIOD IS AGREED UPON
27 MUTUALLY BY THE APPLICANT AND THE
28 COMMISSION OR THE APPLICATION HAS BEEN
29 WITHDRAWN.

1 **§ 297-504 DELEGATION OF CERTIFICATE OF APPROVAL TO STAFF.**

2

3 A. ALTERATIONS TO STRUCTURES AND ENVIRONMENTAL

4 SETTINGS. STAFF SHALL BE AUTHORIZED TO ISSUE

5 CERTIFICATES OF APPROVAL FOR ALTERATIONS TO

6 STRUCTURES AND ENVIRONMENTAL SETTING THAT WILL

7 NOT SIGNIFICANTLY CHANGE THE EXTERIOR FEATURES OF A

8 HISTORIC SITE OR CONTRIBUTING STRUCTURE WITHIN AN

9 HISTORIC DISTRICT OR ITS ENVIRONMENTAL SETTING AND

10 THAT WILL HAVE NO SIGNIFICANT EFFECT ON ITS

11 HISTORICAL, ARCHITECTURAL, CULTURAL, OR

12 ARCHEOLOGICAL VALUE. CERTIFICATES OF APPROVAL

13 DECISIONS WILL COMPLY WITH THE *SECRETARY OF THE*

14 *INTERIOR'S STANDARDS FOR REHABILITATION*, WHERE

15 APPLICABLE. THE ABOVE CATEGORY SHALL INCLUDE, BUT

16 NOT BE LIMITED TO, SUCH STRUCTURAL WORK ITEMS AS:

17

18 (1) PROJECTS THAT HAVE REVIEWED AND APPROVED BY

19 THE MARYLAND HISTORICAL TRUST (MHT), WHICH IN

20 THE OPINION OF STAFF, MEET THE CONDITIONS FOR A

21 CERTIFICATE OF APPROVAL.

22

23 (2) IN-KIND REPLACEMENT OF EXISTING FEATURES AND

24 MINOR REPAIRS AND/OR MODIFICATIONS TO THE

25 PROPERTY THAT DO NOT SIGNIFICANTLY ALTER ITS

26 VISUAL CHARACTER. THIS SHALL INCLUDE SUCH

27 ITEMS AS:

28

29 (a) REPAIR OR REPLACEMENT OF ROOF COVERINGS

1 WHERE THERE IS NO CHANGE IN MATERIAL;
2

3 (b) REPAIR OR REPLACEMENT OF MASONRY
4 FOUNDATIONS WHERE THE ORIGINAL
5 FOUNDATION MATERIAL IS RETAINED OR WHERE
6 NEW MATERIAL MATCHES THE ORIGINAL AS
7 CLOSELY AS POSSIBLE; INSTALLATION OF METAL
8 FOUNDATION VENTS ON SIDE AND REAR ONLY
9 AND REPLACEMENT OF WOOD ACCESS DOORS;
10 INSTALLATION OF FOUNDATION ACCESS DOOR
11 THAT CANNOT EASILY BE SEEN FROM THE
12 PUBLIC RIGHT-OF-WAY;
13

14 (c) REPOINTING AND OTHER MASONRY REPAIRS
15 WHEN THE COLOR AND COMPOSITION OF THE
16 MORTAR MATCHES THE ORIGINAL AND ANY NEW
17 BRICK OR STONE USED IN THE REPAIR WORK
18 MATCHES THE ORIGINAL AS CLOSELY AS
19 POSSIBLE;
20

21 (d) REMOVAL OF ASBESTOS, ASPHALT, OR OTHER
22 ARTIFICIAL SIDING WHEN THE ORIGINAL SIDING
23 IS TO BE REPAIRED AND, WHERE NECESSARY,
24 REPLACED IN KIND;
25

26 (e) REPLACEMENT OF MISSING OR DETERIORATED
27 SIDING AND TRIM AND PORCH FLOORS, CEILINGS,
28 COLUMNS, RAILINGS, BALUSTERS, AND
29 BRACKETS OR OTHER ARCHITECTURAL DETAILS

1 WITH NEW MATERIALS THAT ARE IDENTICAL TO
2 THE ORIGINAL;

3
4 (f) REPLACEMENT OF MISSING ARCHITECTURAL
5 DETAILS, PROVIDED THAT AT LEAST THE
6 FOLLOWING CONDITIONS ARE MET:

7
8 (1) AT LEAST ONE EXAMPLE OF THE DETAIL
9 TO BE REPLACED EXISTS ON THE HOUSE,
10 OR;

11
12 (2) PHYSICAL OR DOCUMENTARY EVIDENCE
13 EXISTS THAT ILLUSTRATES OR DESCRIBES
14 THE MISSING DETAIL OR DETAILS, OR;

15
16 (3) WITHIN A HISTORIC DISTRICT, THE
17 PROPOSED REPLACEMENT DETAIL IS VERY
18 SIMILAR TO ORIGINAL DETAILS FOUND ON
19 AT LEAST ONE STRUCTURE WITHIN THE
20 DISTRICT THAT IS COMPARABLE IN TERMS
21 OF STYLE, SIZE, AND AGE.

22
23 (g) SIGNS THAT DO NOT REQUIRE A SIGN PERMIT.

24
25 (h) ADDITIONS THAT ARE NOT READILY VISIBLE
26 FROM A PUBLIC RIGHT-OF-WAY AND/OR EASILY
27 REMOVABLE.

28
29 (i) INSTALLATION OF GUTTERS PAINTED TO MATCH

1 THE HOUSE OR TRIM, AS LONG AS NO
2 SIGNIFICANT ARCHITECTURAL FEATURES ARE
3 REMOVED.

4
5 (j) CONSTRUCTION OF FENCES THAT ARE
6 COMPATIBLE WITH THE VISUAL CHARACTER OF
7 THE HISTORIC SITE OR THE HISTORIC DISTRICT IN
8 TERMS OF MATERIAL, HEIGHT, LOCATION AND
9 DESIGN. IN-KIND REPLACEMENT OF EXISTING
10 FENCES OR MINOR ALTERATIONS TO THE SAME
11 THAT DO NOT SIGNIFICANTLY CHANGE THE
12 ORIGINAL APPEARANCE OR THE MATERIAL USE.

13
14 (k) THE CONSTRUCTION OR REPLACEMENT OF
15 BRICK, STONE, CONCRETE, OR GRAVEL
16 WALKWAYS, PARKING AREAS, PATIOS,
17 DRIVEWAYS, OR OTHER PAVED AREAS THAT ARE
18 NOT READILY VISIBLE FROM A PUBLIC RIGHT-OF-
19 WAY AND/OR ARE COMPATIBLE IN MATERIAL,
20 LOCATION, AND DESIGN WITH THE VISUAL
21 CHARACTER OF THE HISTORIC SITE OR DISTRICT.
22 ALSO MINOR REPAIRS TO THE ABOVE THAT DO
23 NOT SIGNIFICANTLY CHANGE THEIR
24 APPEARANCE OR THE MATERIAL USED.

25
26 (l) LANDSCAPING, OR THE REMOVAL OR
27 MODIFICATION OF EXISTING PLANTINGS, WHICH
28 IS COMPATIBLE WITH THE VISUAL CHARACTER
29 OF THE HISTORIC SITE OR HISTORIC DISTRICT IN

1 TERMS OF TYPE, HEIGHT AND LOCATION.

2
3 (m) CONSTRUCTION OR REPLACEMENT OF STORAGE
4 AND ACCESSORY BUILDINGS THAT ARE NOT
5 VISIBLE FROM A PUBLIC RIGHT-OF-WAY.
6

7 B. GENERAL POLICIES. THE COMMISSION MAY, IF IT SO
8 CHOOSES, REVIEW ALL CERTIFICATES OF APPROVALS
9 ADMINISTERED BY STAFF AT THE NEXT MEETING. PROPERTY
10 OWNERS SHALL RETAIN A RIGHT OF APPEAL TO THE
11 COMMISSION FROM STAFF SIGN-OFF, AS WILL PROPERTY
12 OWNERS WITHIN THE AREA OF NOTIFICATION. STAFF SHALL
13 REFER AN APPLICATION TO THE COMMISSION IF ANY
14 UNCERTAINTY EXISTS AS TO WHETHER THE APPLICATION
15 MEETS THE CRITERIA FOR ISSUING A CERTIFICATE OF
16 APPROVAL.
17

18 **§ 297-505. ROUTINE MAINTENANCE.** NOTHING IN THIS ARTICLE SHALL BE
19 TAKEN OR CONSTRUED TO PREVENT MAINTENANCE THAT DOES
20 NOT ALTER THE EXTERIOR FABRIC OR FEATURES OF A DESIGNATED
21 LANDMARK, SITE, OR STRUCTURE, CUSTOMARY FARMING
22 OPERATIONS, OR LANDSCAPING WHICH WILL HAVE NO MATERIAL
23 EFFECT ON THE HISTORIC, ARCHEOLOGICAL, OR ARCHITECTURAL
24 SIGNIFICANCE OF A DESIGNATED LANDMARK, SITE, STRUCTURE, OR
25 DISTRICT.
26

27 **§ 297-506. DEMOLITION BY NEGLECT.**
28

29 A. IN THE EVENT OF DEMOLITION BY NEGLECT, THE

1 COMMISSION MAY REQUEST THE DEPARTMENT OF PLANNING
2 AND GROWTH MANAGEMENT TO NOTIFY, IN WRITING, THE
3 PROPERTY OWNER OF RECORD, ANY PERSON HAVING A
4 RIGHT, TITLE, OR INTEREST THEREIN, AND THE OCCUPANT OR
5 OTHER PERSON RESPONSIBLE FOR THE MAINTENANCE OF THE
6 PROPERTY, OF THE DETERIORATION. THE NOTICE SHALL
7 SPECIFY THE MINIMUM ITEMS OF REPAIR OR MAINTENANCE
8 NECESSARY TO CORRECT THE DETERIORATION OR PREVENT
9 FURTHER DETERIORATION.

10
11 B. PRIOR TO THE ISSUANCE OF A WRITTEN NOTICE, THE
12 COMMISSION MAY REQUEST THE DEPARTMENT OF PLANNING
13 AND GROWTH MANAGEMENT TO ESTABLISH A RECORD OF
14 DEMOLITION BY NEGLIGENCE. SUCH A RECORD MAY INCLUDE
15 DATED MATERIALS SUCH AS PHOTOGRAPHS AND WRITTEN
16 REPORTS OF THE CONDITION OF THE PROPERTY SO AS TO
17 RECORD OR MEASURE THE DETERIORATION.

18
19 C. THE NOTICE SHALL PROVIDE THAT THE CORRECTIVE ACTION
20 SHALL COMMENCE WITHIN THIRTY (30) DAYS OF THE RECEIPT
21 OF SAID NOTICE AND BE COMPLETED WITHIN A REASONABLE
22 TIME THEREAFTER. THE NOTICE SHALL STATE THAT THE
23 OWNER OF RECORD OF THE PROPERTY, OR ANY PERSON OF
24 RECORD WITH ANY RIGHT, TITLE, OR INTEREST THEREIN,
25 MAY, WITHIN TEN (10) DAYS AFTER THE RECEIPT OF THE
26 NOTICE, REQUEST A HEARING ON THE NECESSITY OF THE
27 ITEMS AND CONDITIONS CONTAINED IN THE NOTICE. IN THE
28 EVENT A PUBLIC HEARING IS REQUESTED, IT SHALL BE HELD
29 BY THE COMMISSION UPON THIRTY (30) DAYS WRITTEN

1 NOTICE BEING MAILED TO ALL PERSONS OF RECORD WITH
2 ANY RIGHT, TITLE, OR INTEREST IN THE PROPERTY AND TO
3 ALL CITIZENS AND ORGANIZATIONS WHICH THE COMMISSION
4 DETERMINES MAY HAVE AN INTEREST IN THE PROCEEDINGS.
5

6 D. IF, AFTER THE PUBLIC HEARING, THE COMMISSION
7 DETERMINES THAT THE CORRECTIVE ACTIONS REMAIN
8 NECESSARY, THE COMMISSION MAY REQUEST DEPARTMENT
9 OF PLANNING AND GROWTH MANAGEMENT CORRECTIVE
10 ACTION TO COMPLY WITH THE FINAL NOTICE WITHIN THIRTY
11 (30) DAYS OF RECEIPT OF THE FINAL NOTICE.
12

13 E. UPON FAILURE, NEGLECT, OR REFUSAL OF THE PROPERTY
14 OWNER OR OTHER RESPONSIBLE PERSON, DULY NOTIFIED, TO
15 TAKE THE CORRECTIVE ACTION SPECIFIED IN THE FINAL
16 NOTICE WITHIN THE TIME REQUIRED, THE COMMISSION MAY
17 REQUEST THAT THE DEPARTMENT OF PLANNING AND
18 GROWTH MANAGEMENT INSTITUTE ANY OF THE REMEDIES
19 AND PENALTIES PROVIDED BY LAW FOR SUCH VIOLATIONS
20 AS OUTLINED IN ARTICLE 20 OF THE CHARLES COUNTY
21 ZONING ORDINANCE.
22

23 **§ 297-507. MARYLAND HISTORICAL TRUST.** THE COMMISSION MAY
24 DESIGNATE THE MARYLAND HISTORICAL TRUST TO MAKE AN
25 ANALYSIS OF AND REPORT RECOMMENDING THE PRESERVATION OF
26 SITES, STRUCTURES, OR DISTRICTS OF HISTORIC, ARCHEOLOGICAL,
27 ARCHITECTURAL, OR CULTURAL SIGNIFICANCE WITHIN CHARLES
28 COUNTY. THE REPORT MAY INCLUDE PROPOSED BOUNDARIES OF
29 SITES, STRUCTURES, OR DISTRICTS, AS WELL AS

1 RECOMMENDATIONS FOR THE IDENTIFICATION AND DESIGNATION
2 OF PARTICULAR SITES, STRUCTURES, OR DISTRICTS TO BE
3 PRESERVED.
4

5 **§ 297-508. APPEALS.** IN THE EVENT THAT ANY PARTY IS AGGRIEVED BY A
6 DECISION OF THE COMMISSION, THE PARTY HAS THE RIGHT OF
7 APPEAL TO THE BOARD OF APPEALS. APPEALS MUST BE FILED
8 WITHIN THE TIME PROVIDED IN THE RULES OF THE BOARD.
9

10 **SECTION 2.** BE IT FURTHER ENACTED, that this Act shall take effect TEN (10)
11 calendar days after it becomes law.